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EXAMINER	
KRISCIUNAS, LINDA MARY	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,581	THOMPSON, JOHN	
	Examiner	Art Unit	
	Linda Krisciunas	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *18-25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/24/04, 3/25/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is a Non-Final Office Action in response to the Applicant's election with traverse of claims 1-17 and 26. Since there are no arguments to support the traverse, the election is interpreted as being without traverse. Claims 18-25 are withdrawn.

Claim Objections

2. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jilk et al (US 6,859,523).

As per claim 1, Jilk teaches a task module ((100) task management system) for generating tasks (column 4, lines 22-29:" Examples of typical task steps that may be managed by embodiments of the invention include, without limitation, the steps involved in data entry, telesales, voice transcription, translation, image categorization,

sales lead incubation, auditing, repair of documents after OCR, photo retouching, paralegal processes, call center quality assurance, and editorial work. A task step also may be checking the result of carrying out another task step.") from a plurality of requests from a plurality of suppliers (column 5, lines 2-3: "A worker may log on to the system 100 and request work." Where the worker represents the supplier), wherein the tasks are to be performed at retail stores (claim 43 where photo retouching may be done in a retail environment); a prioritizing module for prioritizing the tasks, where the tasks are prioritized according to a status of the assigned tasks and a plurality of factors (column 8, lines 13-14: When tasks are entries in the database 217, each task entry may include a priority that is used by the task dispatcher to dispatch tasks." Whereby the priority is equivalent to a status of the task as it performs an identical function in substantially the same manner with substantially the same results.); a routing module for assigning one of the prioritized tasks to a member of the workforce (claim 35: "a task dispatcher coupled to the network and to the task data structure to dispatch a task from the task data structure to an available worker"); and a client for rendering the assigned task to the assigned member (claim 35) and collecting the status of the task from the member (claim 35: task submission unit receives results and column 3, lines 1-2: "receiving the task result corresponding to the dispatched task step and input unit from the worker" which is equivalent to the status as it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 2, Jilk teaches a managing module for monitoring the status of the assigned tasks (column 3, lines 1-2 where there is receiving of the task result).

As per claim 3, Jilk teaches the client is a remote node (claim 40 where the remote worker completes the task at a remote location which is equivalent to a remote node as it performs an identical function in substantially the same manner with substantially the same results).

As per claim 5, Jilk teaches the task pertains to at least one product supplied by one of the plurality of suppliers (claim 43 where photo retouching may be done in a retail environment)).

As per claim 8, Jilk teaches the factors are opportunity based retail factors (column 16, lines 22-29 where the minimum pay rate is representative of a retail factor).

As per claim 10, Jilk teaches each request is selected from the group consisting of labor requests, validation requests and information requests (column 5, lines 2-3 where the worker requests work which is a labor request).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jilk.

As per claim 4, Jilk teaches the client is an interactive voice response system (column 14, lines 59-64 where Entity JavaBeans is the computer language used, but is not limited and may be other programming languages, such as voice recognition based languages which would produce a voice response system.).

As per claims 6, Jilk teaches at least one of the tasks is a series of questions relating to at least one product supplied by one of the suppliers (column 4, lines 22-29 where it is well known that series of questions would come from the auditing task or a call center for quality assurance.).

As per claims 7, Jilk teaches the routing module assigns one of the tasks to a member of the workforce on the basis of the member's location and a skill level associated with the member (claim 39 and 48 where the skill level of the worker is certified and used when assigning resources and information is stored in a database with respect to the remote location of the remote worker when determining certification. The database contains information on each remote worker. It is well known that the location of a remote worker would be part of the information in the database associated with each remote worker.).

7. Claims 11-13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jilk in view of Tsushima et al (US 4,852,001).

As per claim 11, Jilk teaches receiving a plurality of requests from a plurality of suppliers (column 5, lines 2-3: "A worker may log on to the system 100 and request work." Where the worker represents the supplier); generating a plurality of tasks from the plurality of requests (column 4, lines 22-29); prioritizing the plurality of tasks

according to a status of the assigned tasks and the yield value of each task of the plurality of tasks (column 8, lines 13-14: "); assigning each of the prioritized tasks to a member of the workforce according to routing rules (claim 35 where skill level is representative of the routing rules); and rendering each assigned task to each assigned member (see claim 35). Jilk does not explicitly teach determining a yield value for each task of the plurality of tasks. Tsushima teaches that it is known to determine a yield value for each task of the plurality of tasks (column 3, lines 33-55: "allocation rules" which are equivalent to a yield value as they perform an identical function in substantially the same manner with substantially the same results.). Tsushima is an analogous art as it also teaches about workforce scheduling. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the workforce scheduling system of Jilk with the yield value feature of Tsushima to provide a more efficient means of prioritizing and optimizing the system.

As per claim 12, Jilk teaches a managing module for monitoring the status of the assigned tasks (column 3, lines 1-2 where there is receiving of the task result).

As per claim 13, Jilk teaches the yield value is determined using opportunity based retail factors (column 16, lines 18-21 where the time window condition represents the yield value for the task and column 14, lines 28-30 where the grace period, duration for the task step and turn around time represent the retail factors).

As per claim 15, Jilk teaches the step of collecting responses to the series of questions (column 23, line 30 where the completed task feedback is the response).

As per claim 17, Jilk teaches the step of re-prioritizing the series of tasks when the status of the assigned task changes (column 8, lines 13-20: "When tasks are entries in the database 217, each task entry may include a priority that is used by the task dispatcher to dispatch tasks. In an alternate embodiment, the task dispatcher 309 maintains a data structure that describes the priority for distributing tasks (the "distribution priority data structure"). The capacity manager 317 provides input to the task dispatcher 309 on which tasks should be raised higher in the distribution priority data structure." Where the task dispatcher changes the priorities as indicated.).

8. Claims 14, 16 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Jilk et al in view of Tsushima et al.

As per claims 14, Jilk teaches at least one of the tasks is a series of questions relating to at least one product supplied by one of the suppliers (column 4, lines 22-29 where it is well known that series of questions would come from the auditing task or a call center for quality assurance.).

As per claims 16, Jilk teaches the routing module assigns one of the tasks to a member of the workforce on the basis of the member's location and a skill level associated with the member (claim 39 and 48 where the skill level of the worker is certified and used when assigning resources and information is stored in a database with respect to the remote location of the remote worker when determining certification. The database contains information on each remote worker. It is well known that the location of a remote worker would be part of the information in the database associated with each remote worker.).

As per claim 26, Jilk teaches receiving, at a central computer location, requests in electronic form from a plurality of retail product suppliers (column 5, lines 2-3: "A worker may log on to the system 100 and request work." Where the worker represents the supplier); generating a plurality of tasks from the plurality of requests, such that each task is to be performed at a grocery store location that is remote from the central computer location (((100) task management system) and (column 4, lines 22-29:" Examples of typical task steps that may be managed by embodiments of the invention include, without limitation, the steps involved in data entry, telesales, voice transcription, translation, image categorization, sales lead incubation, auditing, repair of documents after OCR, photo retouching, paralegal processes, call center quality assurance, and editorial work. A task step also may be checking the result of carrying out another task step." Whereby it is well known that auditing is also performed at grocery store locations.); prioritizing the tasks according to the modified yield value of each task (column 8, lines 13-14: When tasks are entries in the database 217, each task entry may include a priority that is used by the task dispatcher to dispatch tasks."); assigning each task of the prioritized tasks to a member of a workforce according to routing rules, wherein each member is remotely located from the central computer location (claim 35: "a task dispatcher coupled to the network and to the task data structure to dispatch a task from the task data structure to an available worker"); rendering each task to the assigned member, wherein the member receives the task on a remote node (claim 40 where the remote worker completes the task at a remote location which is equivalent to a remote node as it performs an identical function in

substantially the same manner with substantially the same results); and collecting a status of each task from the assigned member via the remote node, wherein the status of each task is accessible from the central computer location by the retail product suppliers (claim 35: task submission unit receives results and column 3, lines 1-2: "receiving the task result corresponding to the dispatched task step and input unit from the worker" which is equivalent to the status as it performs an identical function in substantially the same manner with substantially the same results.). Jilk does not explicitly teach determining a yield value for each task of the plurality of tasks. Tsushima teaches that it is known to determine a yield value for each task of the plurality of tasks (column 3, lines 33-55: "allocation rules" which are equivalent to a yield value as they perform an identical function in substantially the same manner with substantially the same results.); modifying each yield value by importance factors (column 2, lines 39-47: "According to the present invention, by means of the above-described rule description means, it is possible to realize a system having a wide application field, in which system it is easy to describe, add and modify various knowledge and know-how for the workload allocation and the like. Further, an improved optimum status and processing efficiency can be attained because of the inclusion of the fundamental workload balancing functions described in the above (3)."). Tsushima is an analogous art as it also teaches about workforce scheduling. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the workforce scheduling system of Jilk with the yield value feature of Tsushima to provide a more efficient means of prioritizing and optimizing the system.

Allowable Subject Matter

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 teaches a store location velocity, as defined by the formula in the Specification, as well as the number of new products for a location and the weighted importance of the number of new products, non-scanned products and their weighted importance, tasks and their weighted importance and a value and weighted value associated with the time since the task was last performed. These in combination with all the limitations of claims 1 and 8 would be allowable if rewritten in an independent form. The closest prior art Jilk et al teaches managing tasks of workers and Tsushima et al teaches job scheduling, neither of which, in combination or alone teach all the limitations of claims 9, 8 and 1 in combination.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about job scheduling/workforce optimization: Jilk et al (US 6,938,048), Lee et al (US 5,089,970), Wollinger et al (US 6,415,259), Kennedy et al (US 6,167,380), Swanke et al (US 2003/0078826), Howie et al (US 5,093,794), Fried et al (US 6,546,303), Parad (US 5,369,570), "Rate-monotonic scheduling ensures tasks meet deadlines" by Lee Silverthorn, EDN, v34, n22, pg 191 (9 pages), October 26, 1989; "Control is the first step" by Rich Diesslin et al, Modern

Machine Shop, v62, n12, pg 92, May 1990; "Teamwork is key to KAD site management's success" by Dick Johnson, Plant Engineering, v46, n15, pg 72, September 17, 1992; "Workflow and Internet: Catalysts for Radical Change", a WfMC white Paper, June 1998; "Program Management Group: PMG introduces Hydra Alerts—Advanced business monitoring system frees managers", M2 Presswire, October 22, 2001; and "Tracking projects-at-a-glance: Applying the SAS/GRAPH Product as a project management tool" by Brant Anderson, Computers & Industrial Engineering, v 17, iss1-4, pg 154, 1989.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

LMK
March 6, 2006

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